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APPENDIX D  
TELEPHONE CONVERSATION MEMORANDUM RE: INDUSTRIAL PERMITS (DPW YARD)

**MEMORANDUM**

**TO:** Helen Priola, Jay Sheehan, Mike Schrader  
**FROM:** Brian McGrath, Compliance Specialist  
**DATE:** February 13, 2003  
**RE:** Applicability of Phase II Storm Water Permitting Requirements to Municipal DPW Facilities

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This afternoon I spoke with Thelma Murphy, the EPA Region 1 Storm Water Program Coordinator, regarding the applicability of the Phase I and Phase II storm water permitting requirements to municipal DPW facilities. Thelma explained that there has been some confusion both within the EPA and the regulated community about municipal facilities, and that contrary to information posted on the EPA website and other publications, ongoing changes have further exempted municipal DPW facilities from storm water permitting requirements.

According to Thelma, provisions within the Intermodal Surface Transportation Efficiency Act (ISTEA) temporarily delayed the deadline for Phase I industrial activities for municipalities with populations of less than 100,000 people to obtain a NPDES storm water discharge permit. The Phase II Final Rule ended this temporary exemption from permitting and set a deadline of no later than March 10, 2003 for all ISTEA exempted municipally operated industrial activities to obtain permit coverage. However, the Phase I Storm Water Program only identifies 11 categories of "storm water discharges associated with industrial activity" defined by either the facility's SIC code or a description of facility industrial activities. Municipal DPW facilities are typically classified under SIC code 1611, Highway and Street Construction, Except Elevated Highways. SIC code 1611 is not one of the sectors/subsectors covered in the 11 categories, and is therefore not subject to the current EPA Storm Water Program.

The EPA New England website currently has information posted that contradicts this statement, and Thelma has assured me that the website will be updated within the next two weeks to reflect the regulatory clarification above. The EPA is focused on the impact of municipal DPW facilities on water quality standards and will require that these facilities obtain some form of permit in the future, however they are not currently addressed by the Phase I or Phase II regulations.